



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



Innovative Permitting Initiative (IPI) Update – August 2011

Over the past year, DES IPI staff have been involved in several efforts related to this initiative:

- Worked with two pilot projects to evaluate alternative coordinated procedures for assistance and permit review;
- Assisted in several process improvement efforts with various Land Resource Management permit programs; and
- Provided input for a legislative proposal to establish an Integrated Land Development Permit, as an alternative to several individual permits now issued by DES.

Pilot Projects

DES has worked with two pilot projects to date under the Innovative Permitting Initiative. For these two projects, the IPI staff focused primarily on coordinating DES assistance and permit reviews, but also coordinated with other state agencies, federal agencies, and the two municipalities.

Pilot 1 - Altabia Development, Lebanon

Project Description: This project involves a parcel of about 300 acres located near Dartmouth-Hitchcock hospital and on a major travel route (Route 120 connecting I-89 to the hospital and Hanover, NH, which includes Dartmouth College). A portion of this site was previously developed as warehouses. The developer proposes to develop about 66 acres and place the remaining 223 acres into conservation. The project includes 2 phases. Phase 1 is a high-density, mixed-use urban node located primarily in the area currently developed. Phase 1 is expected to include a LEED-silver hotel as well as a “downtown” street area with retail, commercial, and upper-floor residential, as well as a central park area. Phase 2 includes additional high-density housing adjacent to the Phase 1 project and business park lots toward the rear of the property, adjacent to the existing Centerra Business Park.

Significant IPI Activities and Project Status:

- Through a multi-agency meeting, identified interest of Division of Historic Resources in this property and provided advance notice to the applicant of the need for additional historic resource review for this project.

- Conducted a joint site visit involving several DES staff, the municipality's technical representative, and several of the client's technical representatives. Shared information from this site visit with the municipality.
- Conducted a technical pre-application meeting at DES to discuss wetlands application requirements, including mitigation options, and alteration of terrain requirements.
- Crafted a unique mitigation plan to support the phased implementation and permitting of the project, while complying with the state and federal wetlands mitigation requirements. Assisted in communications with involved federal agencies to ensure concurrence.
- IPI staff provided detailed summaries of all meetings.
- DES wetlands permit issued July 29, 2011; Alteration of Terrain permit application received separately (due to a municipal requirement that the wetlands application be submitted earlier) and is currently under review.

Pilot 2 – Cotton Mill, Nashua

Project Description: This project involves redevelopment of a historic mill building and a property of almost 6 acres adjacent to the Nashua River in downtown Nashua. The developer is proposing to create 120 affordable rental units. The site has contaminated soils, groundwater contamination, and expected lead paint and asbestos issues in the building. The property is also currently identified as within the floodplain and floodway. The developer is seeking to modify a downstream dam (as a related but separate project) to allow for greater flows during storm events to eliminate the flooding of the Cotton Mill property. This area was granted an "urban exemption" from the NH Shoreland Water Quality Protection Act (SWQPA), but is adjacent to a "prime wetland" in the Nashua River, which extends state wetlands jurisdiction to include a 100' buffer to the river. The city is strongly supporting the project as part of their downtown revitalization efforts.

IPI Interactions and Project Status:

- Conducted a coordinated pre-application conceptual meeting involving multiple DES staff, including representatives from several programs outside of Land Resources Management.
- Conducted a coordinated technical permit application review, involving representatives from NH Fish and Game and the City of Nashua Planning Department, as well as several DES program staff. Prepared a joint request for more information letter addressing all issues using an alternative IPI format.
- IPI staff alerted the City of Nashua to the permit requirements resulting from the designation of the Nashua River as a prime wetland. Due to recent legislative

changes to the wetlands program, any disturbance within a 200 foot upland buffer from the river was now subject to wetlands permit review, which could have a significant impact on the City's downtown revitalization efforts. In response, the City proceeded to remove the designation of "prime wetland" from the segment of the river previously deemed "urban exempt" under the Shoreland Water Quality Protection Act, which the City had intended to do, but had not yet addressed. This greatly reduced the area subject to jurisdiction under the DES wetland program, and ultimately resulted in this project not requiring a wetland permit.

- DES staff conducted a loading analysis of the proposed stormwater management plan using the DES Simple Method, presented the results as part of the technical review meeting, and provided suggestions for improving stormwater treatment at the site. This interaction resulted in design changes to incorporate several LID-stormwater management features at the site.
- IPI staff provided detailed summaries of all meetings.
- DES is currently reviewing the final materials submitted in support of the project's Alteration of Terrain application and expects to permit the project shortly.

Permit Program Coordination and Process Streamlining.

In addition to working with the pilot projects, the Innovative Permitting Initiative staff continues to support general process improvements within the Land Resources Management permit programs. Some of the activities supported by IPI include:

- Establishing a unified and streamlined application receipt process, merging functions of four separate Land Resources Management permit programs;
- Updating several permit application and administrative forms and procedures;
- Designing and implementing a streamlined and more consistent process to support enforcement decision-making and document preparation; and
- Improving the administrative handling of complaints received.

Integrated Permit Legislation

IPI staff supported the Department's effort to bring forward legislation to establish a new, integrated permit for land development ([SB142-FN](#)). The integrated permit will be a voluntary, alternative permit option for development projects that will take the place of several individual program permits now issued by the department. As proposed, the integrated permit program would provide for a structure pre-application process, to assist applicants and encourage more holistic, environmentally-friendly design, and a single permit application and review process. This legislation will be reconsidered in the 2012 session.